

# COUNTY OF SANTA BARBARA

## LEGISLATIVE ANALYSIS FORM

*This form is required for the Legislative Program Committee to consider taking an advocacy position on an issue or legislative item*

<b>BILL NUMBER:</b> AB 722	<b>AUTHOR:</b> Limon
<b>INTRO/AMEND DATE:</b> February 15, 2017	<b>AUTHOR'S POLITICAL PARTY:</b> D
<b>BILL STATUS:</b> Introduced	

**1) BILL SUBJECT:**

Amends Government Code section 61250 which authorizes the establishment of the IV Community Services District to provide that service on the Board of Directors by a member of the Board of Supervisors shall not be considered an incompatible office

**2) FROM DEPARTMENT:**

First District

**3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?**

No

**4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?**

Local control, Inter-agency collaboration

**5) HOW WOULD THIS BILL IMPACT THE COUNTY? (Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.)**

Incompatible office statutes are designed to reduce or eliminate the risk of conflicts of interest between agency policy makers

**6) IMPACT ON COUNTY PROGRAM:**

- |                                |   |  |
|--------------------------------|---|--|
| <input type="checkbox"/> Major | <input checked="" type="checkbox"/> Minor | <input type="checkbox"/> None            |
| <input type="checkbox"/> Major | <input checked="" type="checkbox"/> Minor | <input type="checkbox"/> None            |
| <input type="checkbox"/> Major | <input type="checkbox"/> Minor            | <input checked="" type="checkbox"/> None |

*Explanation of Impacts:*

If this legislation is enacted the impacts to the County may be mitigated by having the Board member holding two offices recuse themselves from policy or financial decisions that affect both bodies.

**7) WOULD THIS BILL IMPACT (Legislative Principles):**

- |   |   |  |
|---|---|--|
| a. Job growth and Economic Vitality?                      | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| b. Efficient service delivery and operations?             | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| c. Fiscal stability?                                      | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| d. Inter-agency cooperation?                              | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| e. Local control?   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| f. Health and human services?                             | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| g. Community sustainability and environmental protection? | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |

*Additional Comments:*



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**8) FISCAL IMPACT ON THE COUNTY:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Revenue Increase | <input type="checkbox"/> Revenue Decrease | <input type="checkbox"/> Unfunded Mandate |
| <input type="checkbox"/> Cost Increase    | <input type="checkbox"/> Cost Decrease    | <input type="checkbox"/> Undetermined     |
| <input checked="" type="checkbox"/> None  |   |   |

*Additional Comments:*

**9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:**

County Counsel

**10) CSAC POSITION ON BILL:**

- |  |                                 |   |
|--|---------------------------------|---|
| <input type="checkbox"/> Support               | <input type="checkbox"/> Oppose | <input type="checkbox"/> Support if Amended           |
| <input type="checkbox"/> Oppose unless Amended | <input type="checkbox"/> Watch  | <input checked="" type="checkbox"/> No position taken |

**11) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:**

*(Indicate support or opposition for each)*

None at this time

**12) PROPOSED AMENDMENTS: (Attach separate sheet)**

**13) RECOMMENDATION:**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Support | <input type="checkbox"/> Recommend Support to Board*    | <input type="checkbox"/> Support if Amended    |
| <input type="checkbox"/> Oppose             | <input type="checkbox"/> Recommend Opposition to Board* | <input type="checkbox"/> Oppose unless Amended |
| <input type="checkbox"/> Watch              | <input type="checkbox"/> Concerns (Why? Explain in #6)  | <input type="checkbox"/> No Position (Why?)    |

\* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill

*Additional Comments:*

**14) LEGISLATIVE ANALYSIS FORM PREPARED BY: Dennis Bozanich**

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**ASSEMBLY BILL**

**No. 722**

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**Introduced by Assembly Member Limón**

February 15, 2017

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An act to amend Section 61250 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 722, as introduced, Limón. Isla Vista Community Services District: board of directors.

Existing law authorizes the establishment of the Isla Vista Community Services District, as provided, for the performance of various services. Existing law specifies the composition of the board of directors of the district, that includes 5 members elected at large from within the district, one member appointed by the Board of Supervisors of the County of Santa Barbara, and one member appointed by the Chancellor of the University of California, Santa Barbara.

Existing law prohibits a public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, from simultaneously holding two public offices that are incompatible, as specified.

This bill would provide that service on the board of directors of the district by a member of the Board of Supervisors of the County of Santa Barbara shall not be considered an incompatible office.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 61250 of the Government Code is  
2 amended to read:

3 61250. (a) Notwithstanding Chapter 2 (commencing with  
4 Section 61010) of Part 1, the Isla Vista Community Services  
5 District may be established in accordance with this part. All other  
6 provisions of this division shall apply to the Isla Vista Community  
7 Services District upon its establishment, except as provided in this  
8 part.

9 (b) (1) On or before January 5, 2016, the Board of Supervisors  
10 of the County of Santa Barbara shall file a resolution of application  
11 with the Santa Barbara County Local Agency Formation  
12 Commission, pursuant to subdivision (a) of Section 56654, to  
13 initiate a comprehensive review and recommendation of the  
14 formation of the district by the Santa Barbara County Local Agency  
15 Formation Commission. The board of supervisors shall pay any  
16 fees associated with the resolution of application.

17 (2) The Santa Barbara County Local Agency Formation  
18 Commission shall complete the review no later than 150 days  
19 following receipt of the completed resolution of application.  
20 Notwithstanding any other law, the Santa Barbara County Local  
21 Agency Formation Commission shall not have the power to  
22 disapprove the resolution of application.

23 (3) Notwithstanding any other law, the resolution of application  
24 filed by the board of supervisors pursuant to this subdivision shall  
25 not be subject to any protest proceedings.

26 (c) (1) The Santa Barbara County Local Agency Formation  
27 Commission shall order the formation of the district subject to a  
28 vote of the registered voters residing within the boundaries of the  
29 district, as those boundaries are set forth in subdivision (f), at an  
30 election following the completion of the review pursuant to  
31 subdivision (b). If a majority of voters within the boundaries of  
32 the district, as specified in subdivision (f), vote in favor of the  
33 district, the district shall be formed in accordance with this part.

34 (2) (A) The Santa Barbara Local Agency Formation  
35 Commission shall determine the appropriate rate of taxation for a  
36 utility user tax, applicable utilities to be taxed, and which services  
37 the district will be initially authorized to provide, pursuant to  
38 subdivision (d) and paragraph (5) of subdivision (g). The rate shall

1 be no lower than 5 percent and no higher than 8 percent of the total  
2 cost of an individual's service charge for the utility being taxed.

3 (B) The utility user tax shall only be applied to electricity,  
4 garbage disposal, gas, sewage, or water services.

5 (3) If the voters of the district do not vote to impose a utility  
6 user tax within the district on or before January 1, 2023, regardless  
7 of whether the establishment of the district is approved by the  
8 voters of the district, the district shall be dissolved as of that date.

9 (4) The Santa Barbara Local Agency Formation Commission  
10 shall direct the Santa Barbara County Board of Supervisors to  
11 direct county officials to conduct the necessary elections on behalf  
12 of the proposed district and place the items on the ballot including  
13 district approval, candidates for the district's board, and the utility  
14 user tax pursuant to subparagraph (A) of paragraph (2) at the next  
15 countywide election, as provided in subdivision (f) of Section  
16 61014.

17 (d) (1) The initial utility user tax imposed by the district shall  
18 only be used to fund the following services and powers of the  
19 district:

20 (A) Finance the operations of municipal advisory councils  
21 formed pursuant to Section 31010.

22 (B) Create a tenant mediation program.

23 (C) Finance the operations of area planning commissions formed  
24 pursuant to Section 65101.

25 (D) Exercise the powers of a parking district, in the same manner  
26 as a parking district formed pursuant to the Parking District Law  
27 of 1951 (Part 4 (commencing with Section 35100) of Division 18  
28 of the Streets and Highways Code).

29 (E) Contract with the County of Santa Barbara or the Regents  
30 of the University of California, or both, for additional police  
31 protection services to supplement the level of police protection  
32 services already provided by either the County of Santa Barbara  
33 or the Regents of the University of California within the area of  
34 the district.

35 (F) Acquire, construct, improve, maintain, and operate  
36 community facilities, including, but not limited to, community  
37 centers, libraries, theaters, museums, cultural facilities, and child  
38 care facilities.

39 (G) Acquire, construct, improve, and maintain sidewalks,  
40 lighting, gutters, and trees to supplement the level of service

1 already provided by either the County of Santa Barbara or County  
2 Service Area 31. The district shall not acquire, construct, improve,  
3 or maintain any work owned by another public agency unless that  
4 other public agency gives its written consent.

5 (H) Abate graffiti.

6 (2) This subdivision shall not be construed to limit the services  
7 that may be funded by a tax imposed at a later date.

8 (e) (1) Notwithstanding Chapter 1 (commencing with Section  
9 61020), Chapter 2 (commencing with Section 61025), and Chapter  
10 3 (commencing with Section 61040) of Part 2, the board of  
11 directors of the district shall be composed as follows:

12 (A) Five members elected at large from within the district as  
13 follows:

14 (i) Four members shall be elected for terms of four years. For  
15 the first election of the board of directors of the district, two  
16 members shall be elected for a term of two years and two members  
17 shall be elected for a term of four years.

18 (ii) One member shall be elected for a term of two years.

19 (B) One member appointed by the Board of Supervisors of the  
20 County of Santa Barbara for a term of two years for the first  
21 appointment following the creation of the district, and for a term  
22 of four years thereafter.

23 (C) One member appointed by the Chancellor of the University  
24 of California, Santa Barbara for a term of four years.

25 (2) (A) There shall be no limit on the number of terms any  
26 individual may serve on the board of directors of the district,  
27 whether that individual is appointed or elected.

28 (B) The qualification of candidates for the initial board of  
29 directors shall be conducted pursuant to the Uniform District  
30 Election Law (Part 4 (commencing with Section 10500) of the  
31 Elections Code).

32 (3) *Notwithstanding any other law, service on the board of*  
33 *directors of the district by a member of the Board of Supervisors*  
34 *of the County of Santa Barbara shall not be considered an*  
35 *incompatible office.*

36 (f) The boundaries of the district shall be contiguous with the  
37 area known as County Service Area No. 31 within the County of  
38 Santa Barbara and shall exclude any property owned by the Regents  
39 of the University of California within those boundaries.

1 (g) The district may, within its boundaries, do any of the  
2 following:

3 (1) Create a tenant mediation program.

4 (2) Exercise the powers of a parking district, in the same manner  
5 as a parking district formed pursuant to the Parking District Law  
6 of 1951 (Part 4 (commencing with Section 35100) of Division 18  
7 of the Streets and Highways Code).

8 (3) Contract with the County of Santa Barbara or the Regents  
9 of the University of California, or both, for additional police  
10 protection services to supplement the level of police protection  
11 services already provided by either the County of Santa Barbara  
12 or the Regents of the University of California within the area of  
13 the district.

14 (4) Acquire, construct, improve, and maintain sidewalks,  
15 lighting, gutters, and trees to supplement the level of service  
16 provided by either the County of Santa Barbara or County Service  
17 Area 31. The district shall not acquire, construct, improve, or  
18 maintain any work owned by another public agency unless that  
19 other public agency gives its written consent.

20 (5) Levy a utility user tax proposed by resolution of the board  
21 of directors of the district and pursuant to approval by a two-thirds  
22 vote in accordance with Section 2 of Article XIII C of the California  
23 Constitution on the utilities of gas, water, electricity, sewer, or  
24 garbage disposal services. A utility user tax imposed by the district  
25 shall not apply to any utility provided by a telecommunications  
26 service provider.

27 (6) Contract with the County of Santa Barbara, the Santa Barbara  
28 County Department of Planning and Development's Code  
29 Enforcement Program, or both, to provide Code Enforcement  
30 services to supplement the level of service provided by either the  
31 County of Santa Barbara or the Santa Barbara County Department  
32 of Planning and Development's Code Enforcement Program, or  
33 both. This includes, but is not limited to, contracting for dedicated  
34 Zoning Enforcement services pursuant to Chapter 35 of the Santa  
35 Barbara County Code, or contracting for dedicated Building  
36 Enforcement services pursuant to Chapters 10 and 14 of the Santa  
37 Barbara County Code. These contracted services may be proactive  
38 or reactive in their enforcement, as specified by the individual  
39 contract.

1 (h) Following the creation of the district, the district may petition  
2 the Santa Barbara Local Agency Formation Commission pursuant  
3 to the Cortese-Knox-Hertzberg Local Government Reorganization  
4 Act of 2000 (Division 3 (commencing with Section 56000) of Title  
5 5) to exercise new or different functions or classes of services  
6 listed in Section 61100, except those powers specified in  
7 subdivisions (e) and (f) of that section, in addition to those  
8 functions or services that were authorized at the time the district  
9 was created.

10 (i) The services provided by the district shall not supplant the  
11 level of services provided by the County of Santa Barbara, the Isla  
12 Vista Recreation and Park District, the University of California,  
13 Santa Barbara, or any other service provider.

14 (j) The district does not possess, and shall not exercise, the  
15 power of eminent domain.

16 (k) As used in this part, the term “district” means the Isla Vista  
17 Community Services District formed pursuant to this part.

18 (l) The Cortese-Knox-Hertzberg Local Government  
19 Reorganization Act of 2000 (Division 3 (commencing with Section  
20 56000) of Title 5) shall not apply to the formation of the district  
21 pursuant to subdivisions (b) and (c), to the selection of functions  
22 or services that may be provided pursuant to subdivision (d), or to  
23 the selection of functions or services to be provided pursuant to  
24 subdivision (g) upon establishment of the district, except as  
25 specified in this part. The act shall apply to any other change of  
26 organization or reorganization as defined in that act, following the  
27 establishment of the district, including, but not limited to, the  
28 exercise of new or different functions or classes of services  
29 authorized pursuant to subdivision (g) or (h) that were not selected  
30 upon establishment of the district.